

Jewish Emancipation

Jewish Emancipation, 1848 Among the primary causes of the revolutions of 1848 was the longstanding call for liberation, particularly of the middle class. Thus, a universal objective was the call for elections for assemblies to write constitutions which would "throw off the iron leading strings of the aristocracy" (Heine) and guarantee basic rights universally to all citizens. The objective of Jewish emancipation that would grant them equal civil and political rights with the rest of the citizens was part of the great burgher movement of emancipation of all citizens from the old aristocratic order. Therefore, in central Europe, where Jewry continued to suffer legal discrimination, Jews were often part of a demand for civil rights as the part of radical programs. The liberation of Jews from the legal complexity of the old order became one of the principal issues in the various constitutional deliberations. The ensuing public debate on the rights of the Jews, however, led to ambivalent results.

On one side Jews stood shoulder to shoulder with non-Jews in their fight for emancipation; two of the five victims in Vienna in the March 1848 violence were Jews, while at least ten Jews died in the fighting in Berlin. Yet on the other side, the 1848 uprisings ushered in a new more intense anti-Jewish hostility as many Christians feared that emancipation would be tantamount to Jewish domination. The German theologian David Friedrich Strauss commented on the ambiguity that "at the very time when on one side an overwhelming vote of confidence has been carried in favor of the Jews . . . we see on the other side a clear vote of no confidence interposed." There is no question that in most states trying to liberate themselves, Jews played an active role. Equal rights for Jews were inextricably tied with demands for constitutions and civil rights, and consequently the vast majority of Jews sided with the revolutionaries.

Liberals advocated Jewish emancipation for a variety of reasons. Some liberals did so with the premise that discriminatory laws were anachronistic and morally unjust, while others wanted to rescind prejudicial laws believing that this would be an effective way to encourage assimilation or conversion. Most liberals believed that emancipation would compel Jews to adapt to the ways of the majority. They were less persuaded to liberate Jews out of an abstract political morality than they were out of economic utility. Both Jews and liberals thought the first step toward an equal society was to have laws guaranteeing basic freedoms. Paragraph 13 of the Basic Rights of the Frankfurt Parliament stated that civil rights were not to be conditional on belonging to a particular religious faith. For the Jews, this was a great improvement over the Act of 1815 which allowed special legislation dealing with Jews. In practice, each state in the German Confederation enacted different ways of dealing with its Jewish population ranging from minor acts of discrimination to outright bans against Jews. Part of the enthusiasm that Jews exhibited for a united Germany stemmed from the belief that one uniform law would be more beneficial than thirty-nine separate ones. It must be pointed out though that perhaps a quarter of European Jews could be considered conservative, and that a majority of Jews were not politically active during the events of 1848. Those Jews who did participate in the rebellions were however liberal or radical.

Each nation treated Jews distinctly before 1848. Only in France and the Netherlands were Jews earlier emancipated, and thus the events of 1848 had little influence on their legal status. Nonetheless, two Jews, Adolphe Crémieux and Michel Goudchaux, were active in the French provisional government, and Rabbi Aron joined the bishop of Strasbourg and the

Protestant clergy in 1848 to bless liberty trees and praise the Republic. Like in France, Great Britain abolished all legal restrictions in 1846 so the Jewish debate in 1848 was a minor factor. Most other countries, except for Russia, had been gradually debating and ameliorating the restrictions against Jews in the previous half century. This piecemeal move toward emancipation coincided, in many areas, with greater Jewish assimilation. As the barriers to citizenship fell, Jews began to play a prominent role in public life, and, at least in the cities, commenced to be more accepted by their fellow countrymen. One historian wrote that "public opinion...of the middle class opposition had come round to the cause of emancipation. The demand for emancipation, raised by Christian and Jew alike, was clearly in agreement with the *Zeitgeist*, and thus, the ambiguous attitude of a number of bourgeois politicians notwithstanding, Jewish emancipation became an important plank in the political programs of the Liberal and Democratic movements." Thus, in many ways 1848 can be seen as a culmination of a half century of progress as the constitutional guarantees extended earlier initiatives.

Most Jewish and non-Jewish liberals hoped that with one broad stroke, all social and economic inequalities would be abolished. Some Jews like Gabriel Riesser, the most prominent Jewish spokesman for emancipation in the German states, believed new laws would erode the social gulf by encouraging mixed marriages. "A consequence of our new law," he asserted, "will be that marriages will be mixed, and that religion will no longer be a permanent and insuperable dividing wall preventing a union of peoples." This sentiment was taken further by David Strauss who hoped that emancipation would inevitably lead to mixed marriages which would "bring about the disappearance a peculiarities and ossified traits which have so far made of the Jews such a burden on our civil society." One Jewish liberal became so enthralled by the promise of emancipation that he wrote: "The messiah, for whom we prayed these thousands of years, has appeared and our fatherland has been given to us. The messiah is freedom, our fatherland is Germany." Gabriel Riesser asserted, "If you will grant emancipation with one hand, and with the other the realization of the beautiful dream about the political unification of Germany, I would take the second hand unhesitatingly, because I am convinced that a unified Germany will also include emancipation."

There were some Jews nevertheless who feared that if the liberals succeeded in breaking down the impediments to assimilation the existence of the Jewish community would be threatened. Many Orthodox and non-Orthodox Jews feared that emancipation would not be in the best interest of Judaism or the Jewish people. They worried that many may perceive legal equality as an opportunity for secession, and that the proliferation of intermarriages could lead to the extinction of Judaism.

During 1848 liberals fought against the notion that states should be based on the principles of Christianity, and furthered the idea that individuals made up the cornerstone of the state. They believed that the fewer restrictions placed on people, the more prosperous the state would be. Conversely, many of the revolution's opponents were also opposed to the doctrines of Liberalism, and consequently, to emancipation. The Prussian King Friedrich Wilhelm IV wanted to deprive the Jews of the rights as state citizens in 1847. Conservatives like Prussian Minister of the Interior von Thile argued against Jewish Emancipation by stating that granting Jews any rights in government was irreconcilable with Christendom because they would be expected to take part either in the permeated with the Christian spirit. Thus, opposing Jewish Emancipation in 1848 was just one of the reasons that Conservatives fought against the ideals of the revolution.

Part of the reason that Jewish emancipation became a major issue in many of the deliberations was that Jews themselves participated in the overthrowing of the monarchies as well as the writing of the new constitutions. In August, 1848, Riesser, who was elected Vice President of the National Assembly in Frankfurt, countered demands that Jews be

placed under separate legislation because they were not Germans by declaring that: "under just laws, Jews would be the most ardent patriots of Germany; they will become Germans along with, as well as among, Germans. Do not presume that discriminatory laws can be tolerated without dealing a disastrous blow to the entire system of freedom, and without introducing demoralization into it!" Riesser was not the only Jew fighting for German unification, five others joined him at the preparliament (*Vorparlament*), and seven Jews were elected to the German national assembly.

Like the debate in Frankfurt, the one in Vienna was consequential in deciding the fate of Habsburg Jews. In many cities of the Austrian Empire, like Bratislava and Prague, the insurgency provided a convenient motive for popular attacks on Jews. In fact these attacks were repeated in various locals throughout Europe. Since Jews were associated with the bourgeoisie who were allegedly bent on bringing new capitalist ways of production to society, in addition to of course practicing a cabalistic religion, many farmers and artisans blamed the Jews for their economic troubles. In Vienna, however, attacks against Jews were rare despite the fact that there were many Jews who took part in the Revolution. Dr. Adolf Fischhof became the foremost orator of the insurrection in Vienna where Jews were killed fighting side by side with Christians attempting to bring about a new order, and the Jewish dead were buried in a common grave with the other martyrs. Speaking at the funeral for the fallen revolutionaries, Rabbi Mannheimer of Vienna addressed the Austrians arguing: "You wish that the Jews killed in action be buried alongside your own victims. Then you should also permit those who participated in the struggle together with you to live here on a par with you. Accept us a free men!"

Even though the provisional authorities who came to power in March deferred complete emancipation of Jews until constitutional assemblies were elected, restrictions against Jews ceased to be enforced. On April 25, the government offered civil rights to all religions with the stipulation that the provision dealing with Jews would be reviewed. After renewed violence in May, Jews were given full rights. Both Fischhof and a Viennese student Joseph Goldmark played important roles in bringing about full emancipation. Moreover, several Jews sat in the Vienna Reichstag in July. In October, after a rousing speech by Mannheimer, the Austrian parliament, just before its members fled to Moravia, voted to abolish the remaining taxes on Jews. Likewise, the last act of the revolutionary Hungarian government lifted the final barriers to emancipation.

Yet, when the Austrian monarchy recaptured the city, the new emperor, Franz Joseph, dissolved the *Reichstag* and nullified the "Basic Laws." Many revolutionaries were arrested including Fischhof who was sentenced to nine months, and Goldmark who was sentenced to death. Goldmark, like many other Jewish and non-Jewish revolutionaries, managed to escape to the United States. In addition, the radical publicist, Hermann Jellinek, was caught and shot. Jellinek's death reminds us that while most Jews were not political radicals, some prominent people of Jewish origin emerged as leaders of the nascent socialist movement.

Franz Joseph's 1849 constitution contained a clause guaranteeing equal rights, but he abrogated the document two years later. By 1853, new bans against Jews acquiring real estate and moving to certain areas of the empire were constituted. Soon "Jewish oaths" were restored, and in some districts, like Galicia, Jews were forbidden to hire Christian domestics. Similarly in Hungary where Jews played a more minor role than they did elsewhere, they were nonetheless blamed by the counter revolutionaries and forced to pay a special tax for their support of the revolution.

The results of 1848 were ambiguous. In many nations, Jews kept some of their newly won freedoms, while in other states their emancipation was repealed. In Germany when the parliament of Frankfurt dissolved, it was replaced by the old *Bundestag*, and alliance of rulers instead of nations. The "Basic Rights of the German People" was abolished in 1851,

and Jews were once again subject to discrimination. The idea of a "Christian state" reechoed in Prussia and many other states. Prussian law included a paragraph stating that: "The Christian religion shall be the basis in all government institutions that are associated with religion." Jews would have to wait until 1871 for legal emancipation to take hold, ironically the Jewish emancipation went hand in hand in once again with German unification. Yet in the decades following 1848 many Jews realized that the social and economic emancipation depended less on legalization and more on the willingness of the population at large to accept Jews as fellow citizens.

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